

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

MARK A. PIFER,

Petitioner,

v.

CIVIL ACTION NO. 2:16-cv-04905

STATE OF WEST VIRGINIA,

Respondent.

MEMORANDUM OPINION AND ORDER

Pending before the Court are three motions, all made by petitioner Mark A. Pifer: (1) Motion to Reopen Case, (ECF No. 23); (2) Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2254, (ECF No. 188); and (3) Motion to Amend his § 2254 motion, (ECF No. 27). Pursuant to 28 U.S.C. § 636(b)(1)(B), this matter was referred to United States Magistrate Judge Omar J. Aboulhosn for submission of proposed findings and a recommendation (“PF&R”). (ECF No. 25.)

Magistrate Judge Aboulhosn filed his PF&R on July 19, 2025, recommending that the Court deny the Motion to Reopen and dismiss the Motions to Vacate and Amended Motion to Vacate. (ECF No. 28.)

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner’s right to appeal this

Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a de novo review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

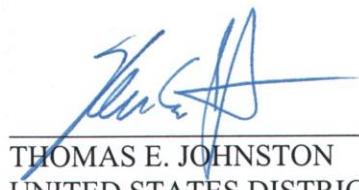
Objections to the PF&R were due on August 15, 2025. (ECF No. 28.) To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 28), **DENIES** the Motion to Reopen the Case, (ECF No. 23), dismisses the Motions to Vacate, (ECF Nos. 24, 27) and **DISMISSES** this matter **WITH PREJUDICE**. The Clerk is **DIRECTED** to remove this case from the active docket of this Court.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: August 21, 2025



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE